

# House Amendment 8189

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1 1 Amend House File 2610 as follows:  
1 2 #1. Page 1, by inserting before line 3 the  
1 3 following:  
1 4 <Section 1. Section 2C.18, Code 2007, is amended  
1 5 to read as follows:  
1 6 2C.18 ~~REPORT~~ REPORTS TO GENERAL ASSEMBLY.  
1 7 1. The citizens' aide shall by April 1 of each  
1 8 year submit an economically designed and reproduced  
1 9 report to the general assembly and to the governor  
1 10 concerning the exercise of the citizens' aide  
1 11 functions during the preceding calendar year. In  
1 12 discussing matters with which the citizens' aide has  
1 13 been concerned, the citizens' aide shall not identify  
1 14 specific persons if to do so would cause needless  
1 15 hardship. If the annual report criticizes a named  
1 16 agency or official, it shall also include unedited  
1 17 replies made by the agency or official to the  
1 18 criticism, unless excused by the agency or official  
1 19 affected.  
1 20 2. The citizens' aide shall by January 1 of each  
1 21 year submit a report to the general assembly and to  
1 22 the governor concerning all notices received pursuant  
1 23 to section 22.15. The report shall not disclose the  
1 24 name or personal information of any affected  
1 25 individual. If the report criticizes a named agency  
1 26 or official, it shall also include unedited replies  
1 27 made by the agency or official to the criticism,  
1 28 unless excused by the agency or official.>  
1 29 #2. Page 4, by inserting after line 27 the  
1 30 following:  
1 31 <Sec. \_\_\_\_\_. NEW SECTION. 22.15 BREACH OF SECURITY  
1 32 == NOTICE REQUIRED.  
1 33 1. For purposes of this section, the following  
1 34 definitions apply:  
1 35 a. "Breach of security" means any of the  
1 36 following:  
1 37 (1) The unauthorized access to or acquisition of  
1 38 personal information.  
1 39 (2) The unauthorized access to or acquisition of  
1 40 any electronic device containing personal information  
1 41 that compromises the security, confidentiality, or  
1 42 integrity of such personal information.  
1 43 (3) The unauthorized disclosure of personal  
1 44 information subsequent to a good faith, authorized  
1 45 access to or acquisition of personal information.  
1 46 b. "Personal information" means an individual's  
1 47 first name or first initial and last name in  
1 48 combination with any one or more of the following data  
1 49 elements that relate to the individual if neither the  
1 50 name nor the data elements are encrypted, redacted, or  
2 1 otherwise altered by any method or technology in such  
2 2 a manner that the name or data elements are  
2 3 unreadable:  
2 4 (1) Social security number.  
2 5 (2) Driver's license number or other unique  
2 6 identification number created or collected by a  
2 7 government body.  
2 8 (3) Financial account number, credit card number,  
2 9 or debit card number in combination with any required  
2 10 security code, access code, or password that would  
2 11 permit access to an individual's financial account.  
2 12 (4) Unique electronic identifier or routing code,  
2 13 in combination with any required security code, access  
2 14 code, or password.  
2 15 (5) Unique biometric data, such as a fingerprint,  
2 16 voice print or recording, retina or iris image, or  
2 17 other unique physical representation or digital  
2 18 representation of the biometric data.  
2 19 2. a. A government body that collects, maintains,  
2 20 or processes a public record containing personal  
2 21 information shall disclose any breach of security to  
2 22 each affected individual upon discovery or  
2 23 notification of the breach of security. Notice shall  
2 24 be made in the most expedient time and manner possible

2 25 and without unreasonable delay, consistent with any  
2 26 measures necessary to determine the scope of the  
2 27 breach of security and consistent with the legitimate  
2 28 needs of law enforcement as provided in paragraph "b".  
2 29 If the affected person is a minor, the government body  
2 30 shall provide notice to the minor's parent or  
2 31 guardian.

2 32 b. If requested by a law enforcement agency, the  
2 33 government body shall delay giving notice if notice  
2 34 may impede a criminal investigation or endanger state  
2 35 or national security. The request by a law  
2 36 enforcement agency shall be in writing or documented  
2 37 in writing by the government body. After the law  
2 38 enforcement agency notifies the government body that  
2 39 notice of the breach of security will no longer impede  
2 40 the investigation or endanger state or national  
2 41 security, the government body shall give notice to the  
2 42 affected individuals without unreasonable delay.

2 43 c. Following disclosure to the affected  
2 44 individual, a government body shall provide written  
2 45 notice of the breach to the citizens' aide. The  
2 46 notice provided to the citizens' aide shall include  
2 47 the same information as required under subsection 3,  
2 48 paragraph "a". The citizens' aide shall compile and  
2 49 summarize all notices received under this paragraph  
2 50 and prepare an annual report to the general assembly  
3 1 and the governor pursuant to section 2C.18, subsection  
3 2 2.

3 3 3. a. Notice provided by a government body shall  
3 4 be clear and conspicuous and shall include all of the  
3 5 following:

3 6 (1) A description of the incident causing the  
3 7 breach of security.

3 8 (2) The type of personal information compromised  
3 9 by the breach of security.

3 10 (3) A description of any remedial action taken by  
3 11 the government body.

3 12 (4) Contact information for an individual within  
3 13 the government body with whom the individual may  
3 14 communicate in order to receive further information  
3 15 and assistance.

3 16 (5) A statement advising the affected individual  
3 17 to thoroughly and continually review financial account  
3 18 information and credit reports.

3 19 b. Notice shall be provided by at least one of the  
3 20 following:

3 21 (1) Written notice to the affected individual's  
3 22 last address of record.

3 23 (2) Electronic mail notice, if the affected  
3 24 individual has agreed to receive communications  
3 25 electronically.

3 26 (3) Telephonic notice, if the communication is  
3 27 made directly with the affected individual.

3 28 (4) Substitute notice, if the government body  
3 29 determines that the cost of providing notice to the  
3 30 affected individual under subparagraphs (1) through  
3 31 (3) exceeds one hundred thousand dollars, the total  
3 32 cost of providing notice to all affected individuals  
3 33 exceeds two hundred fifty thousand dollars, or the  
3 34 government body does not have sufficient contact  
3 35 information needed to provide notice under  
3 36 subparagraphs (1) through (3). Substitute notice  
3 37 shall consist of any of the following:

3 38 (a) Electronic mail notice.

3 39 (b) Conspicuous notice posted on the government  
3 40 body's internet site.

3 41 (c) Notification through local or statewide media.

3 42 4. Notwithstanding the requirements of this  
3 43 section, a government body that has approved its own  
3 44 notification procedures for a breach of security  
3 45 involving personal information, which are otherwise  
3 46 consistent with the requirements of this section,  
3 47 shall be deemed to be in compliance with this section  
3 48 if the government body notifies the affected  
3 49 individuals of the breach of security in accordance  
3 50 with its own procedures.>

4 1 #3. Title page, line 1, by inserting after the  
4 2 word <to> the following: <identity determination and  
4 3 protection and>.

4 4 #4. Title page, line 3, by inserting after the  
4 5 word <individuals,> the following: <and requiring

4 6 government bodies to report breaches of security  
4 7 involving personal information,>.  
4 8 [#5.](#) By renumbering as necessary.  
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4 12 GRANZOW of Hardin  
4 13 HF 2610.704 82  
4 14 ak/rj/11213